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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE  
WESTERN DISTRICT OF WASHINGTON (TACOMA)

10 KEVIN MIDDAGH

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE,  
14 Commissioner of Social Security,

15 Defendant.

Civil No. 3:09-CV-5123-RBL-JRC

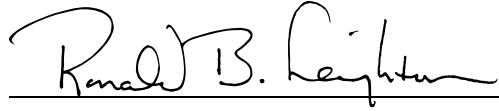
JUDGMENT AND  
ORDER OF REMAND

16 Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned  
17 case be REVERSED and REMANDED for further administrative proceedings pursuant to  
18 sentence four of 42 U.S.C. § 405(g). On remand, an administrative law judge (ALJ) will hold a  
19 *de novo* hearing on all issues, including, but not limited to, considering statements from lay  
20 witnesses Linda Middagh and Debbie Tramm.

21 Upon proper presentation, this Court will consider Plaintiff's application for costs and  
22 attorney fees under 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b).  
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JUDGMENT is entered for Plaintiff, and this case is closed.

DATED this 13<sup>th</sup> day of October, 2009.

A handwritten signature in cursive script, reading "Ronald B. Leighton", written in black ink over a horizontal line.

RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

Recommended for Entry:

/s/ J. Richard Creatura  
J. Richard Creatura  
United States Magistrate Judge